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Date Filed: 6/20/08

RICHARD W. WIEKING, Clerk

By: [Signature] ALBERTO AMADOR, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OSAMA A. SHALAT,

No. C-07-5494 MMC

Plaintiff,

**ORDER CERTIFYING APPEAL AS NOT
TAKEN IN GOOD FAITH**

v.

SUSANVILLE POLICE DEPARTMENT,
SUSANVILLE'S COURT,

Defendants

On April 10, 2008, the Court dismissed the above-titled action and the Clerk of the Court, the same day, entered judgment thereon. On June 16, 2008, plaintiff filed a notice of appeal from the judgment.

Where a party has been permitted to proceed in forma pauperis in the district court action,¹ that party is not permitted to proceed in forma pauperis on appeal if the district court certifies the appeal is not taken in good faith. See Fed. R. App. P. 24(a)(3).

A notice of appeal must be filed within 30 days of the date of entry of judgment. See Fed. R. App. P. 4(a)(1)(A); see also Browder v. Director, Dep't of Corrections of Illinois, 434 U.S. 257, 264 (1978) (providing requirement that "notice of appeal in a civil case must be

¹By order filed April 3, 2008, the Court granted plaintiff's application to proceed in forma pauperis.

1 filed within 30 days of the judgment" is "mandatory"). Plaintiff filed the instant notice of
2 appeal more than 60 days after entry of judgment. Under such circumstances, the notice
3 of appeal is plainly untimely and, consequently, the Court hereby certifies that the appeal is
4 not taken in good faith.

5 The Clerk of the Court is directed to serve a copy of this order on the Ninth Circuit
6 Court of Appeals.

7 **IT IS SO ORDERED.**

8
9 Dated: June 19, 2008


MAXINE M. CHESNEY
United States District Judge